



**US Army Corps  
of Engineers®**

Nashville District

# Public Notice

Public Notice No. **03-55**

Date: **June 25, 2003**

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Application No. **2002-01355**

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch

(Attn: Kathleen J. Kuná)

3701 Bell Road, Nashville, TN 37214

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**AND**  
**STATE OF ALABAMA**

SUBJECT: Proposed wetland fill and relocation of an unnamed intermittent tributary to Big Cove Creek in Huntsville, Madison County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act** (CWA). Before a permit can be issued, certification must be provided by the Alabama Department of Environmental Management, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: **City of Huntsville**  
**Tom Cunningham, City Engineer**  
**308 Fountain Circle**  
**Huntsville, AL 35801**  
**(256) 427-5300**

LOCATION: Adjacent to the existing Taylor Road near the intersection of US Highway 431 and Sutton Road. Unnamed tributary to Big Cove Creek, a tributary of the Flint River at Mile 16.4 Right Bank. (USGS Quad Map Moontown; Latitude N34° 39.303', Longitude W86° 29.317').

DESCRIPTION: The proposed action is the relocation of 2150 linear feet (LF) of the existing intermittent stream into 2380 LF of new constructed streambed, and the deposit of fill material into 1.12 acres of adjacent wetlands. A wetland delineation, prepared by Ecological Consulting Services, Huntsville, AL, was submitted with the permit application. The Corps of Engineers verified the findings of the delineation by letter dated May 13, 2003. The

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applicant proposes to mitigate for the loss of wetlands with the withdrawal of 2.24 credits previously purchased at the Flint Creek Mitigation Bank, Morgan County, AL. The stream will be rerouted to the south, through a detention pond, then east to rejoin the original bed. The new stream bank will be revegetated with a variety of tree species. The purpose of this project is to allow for the relocation and widening of Taylor Road and future commercial development.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service - Atlanta.

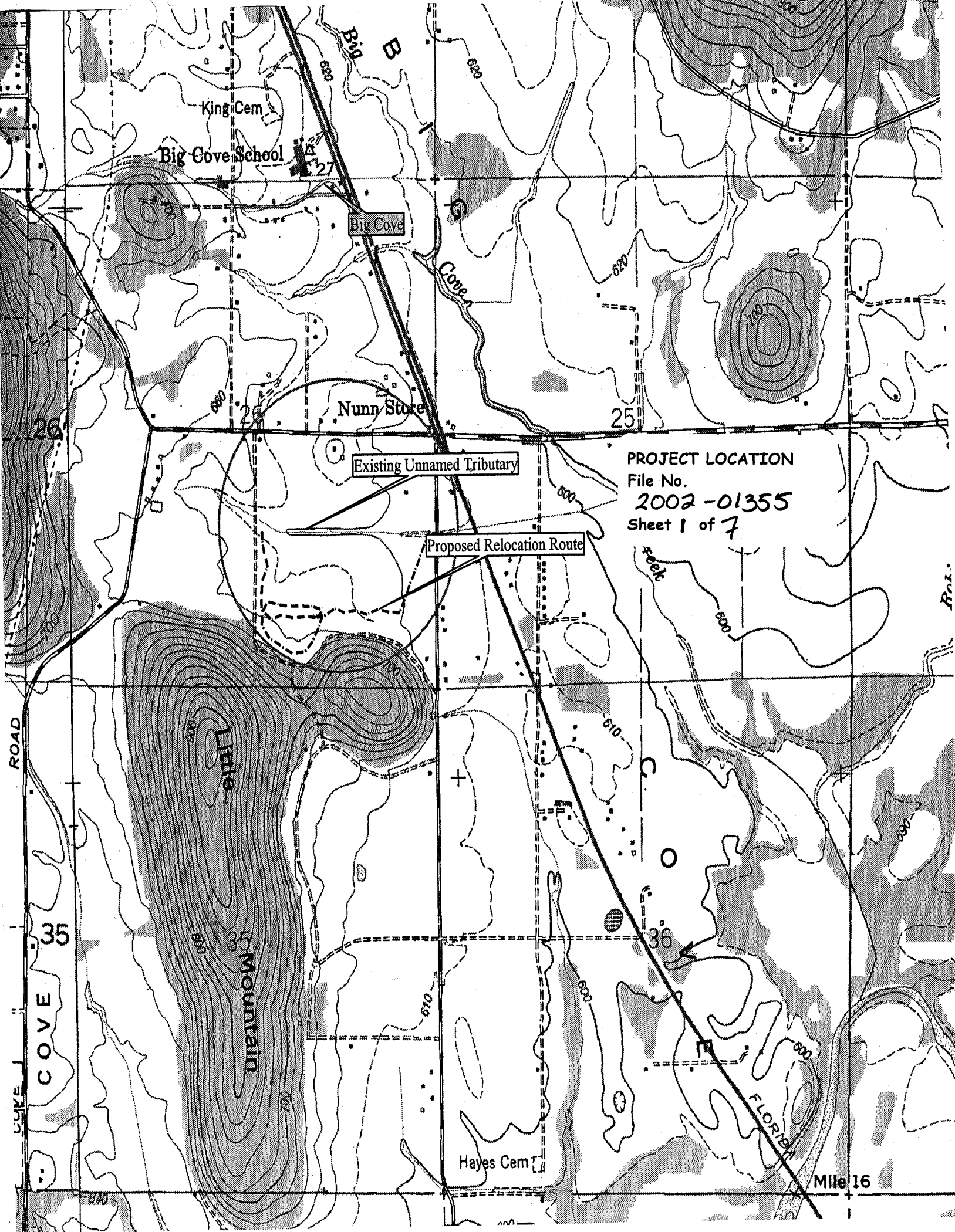
Based on available information, the proposed work will not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

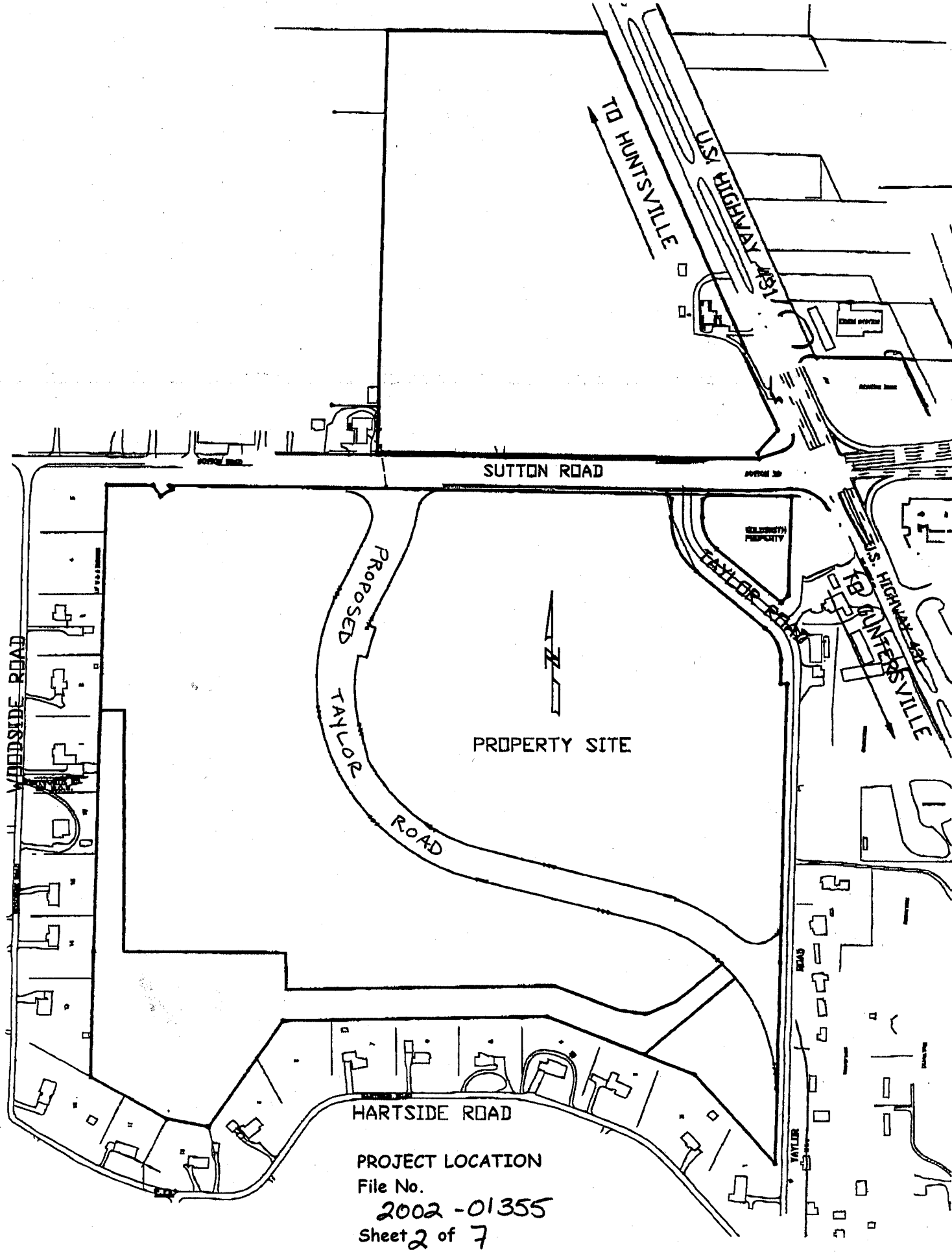
Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Alabama Department of Environmental Management (ADEM) in accordance with Section 401(a)(1) of the CWA.

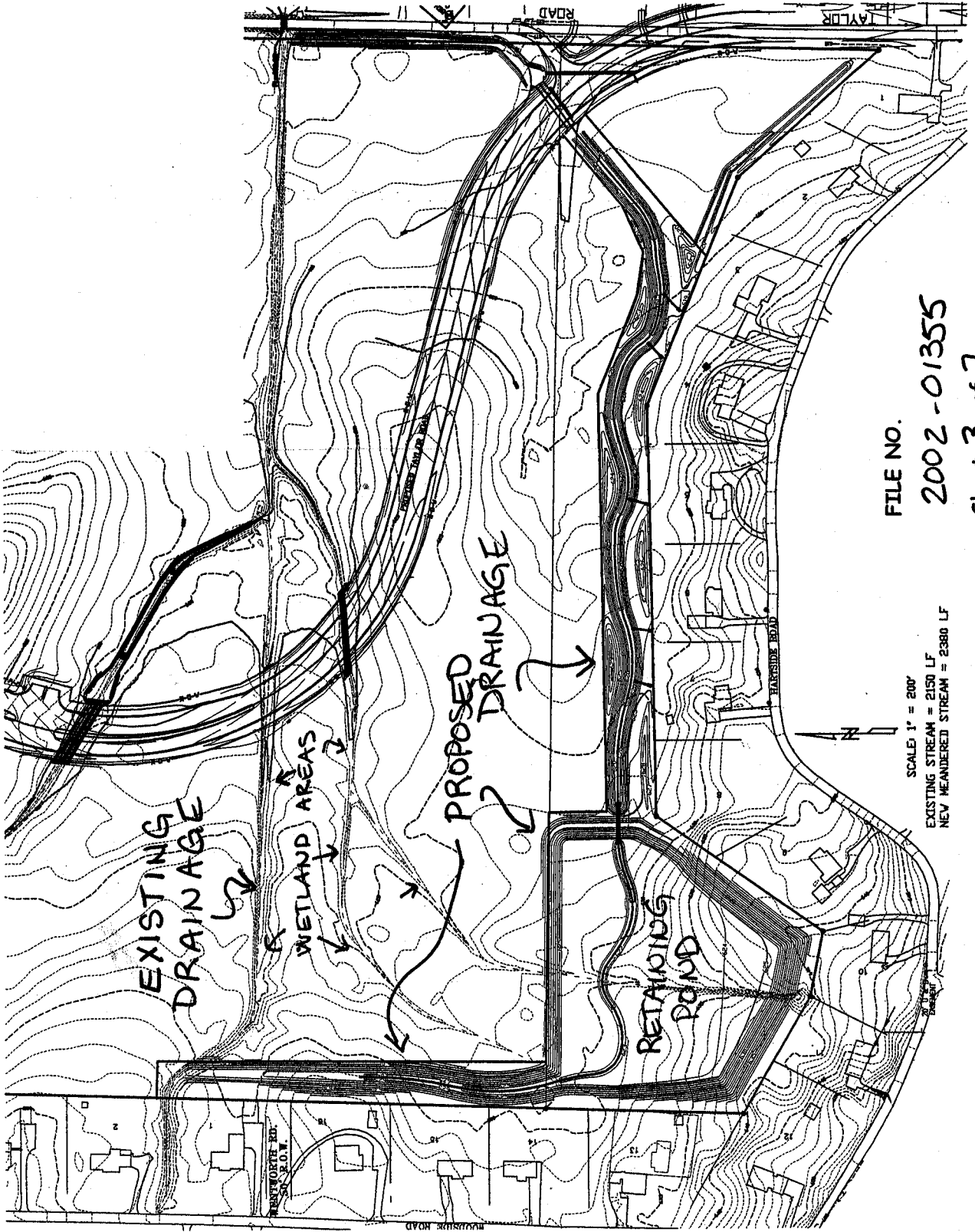
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before July 30, 2003, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Kathleen Kuná, at the above address, telephone (615) 369-7506.



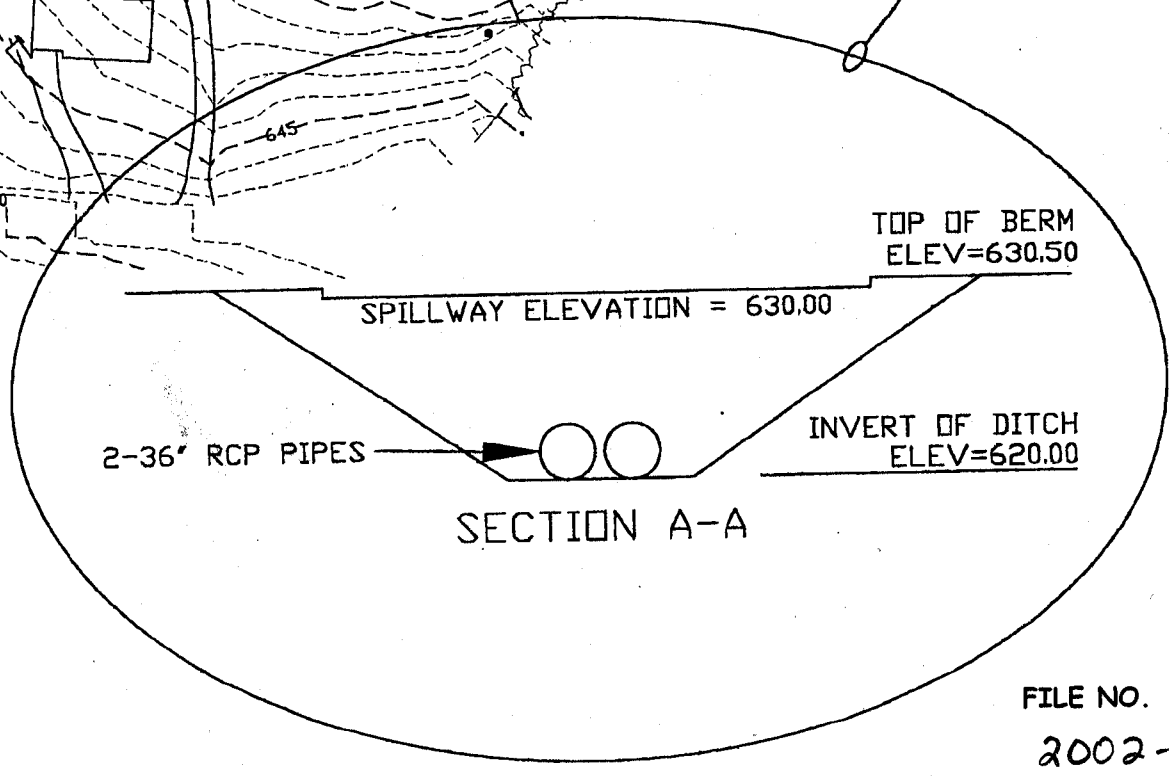
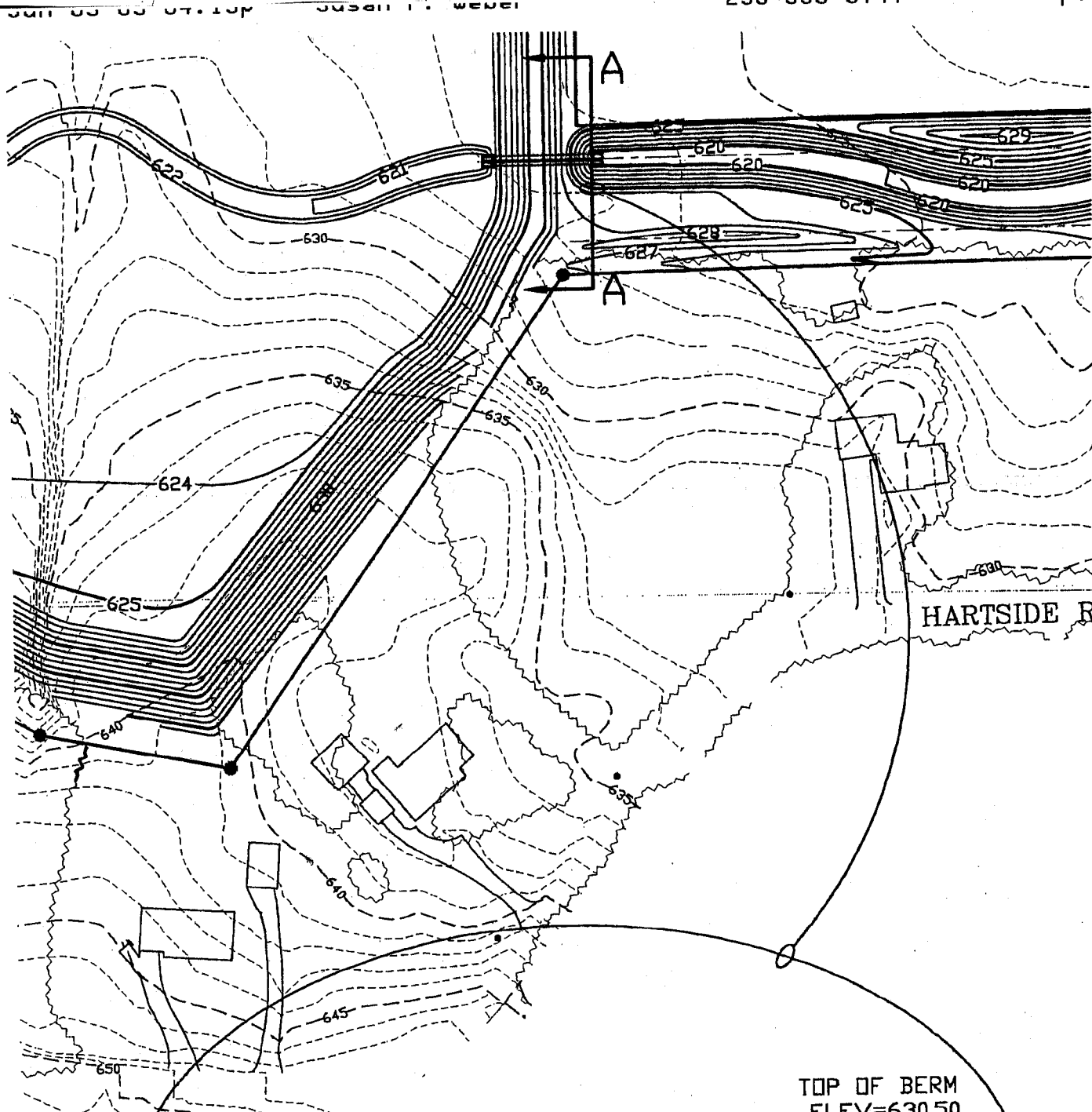


PROJECT LOCATION  
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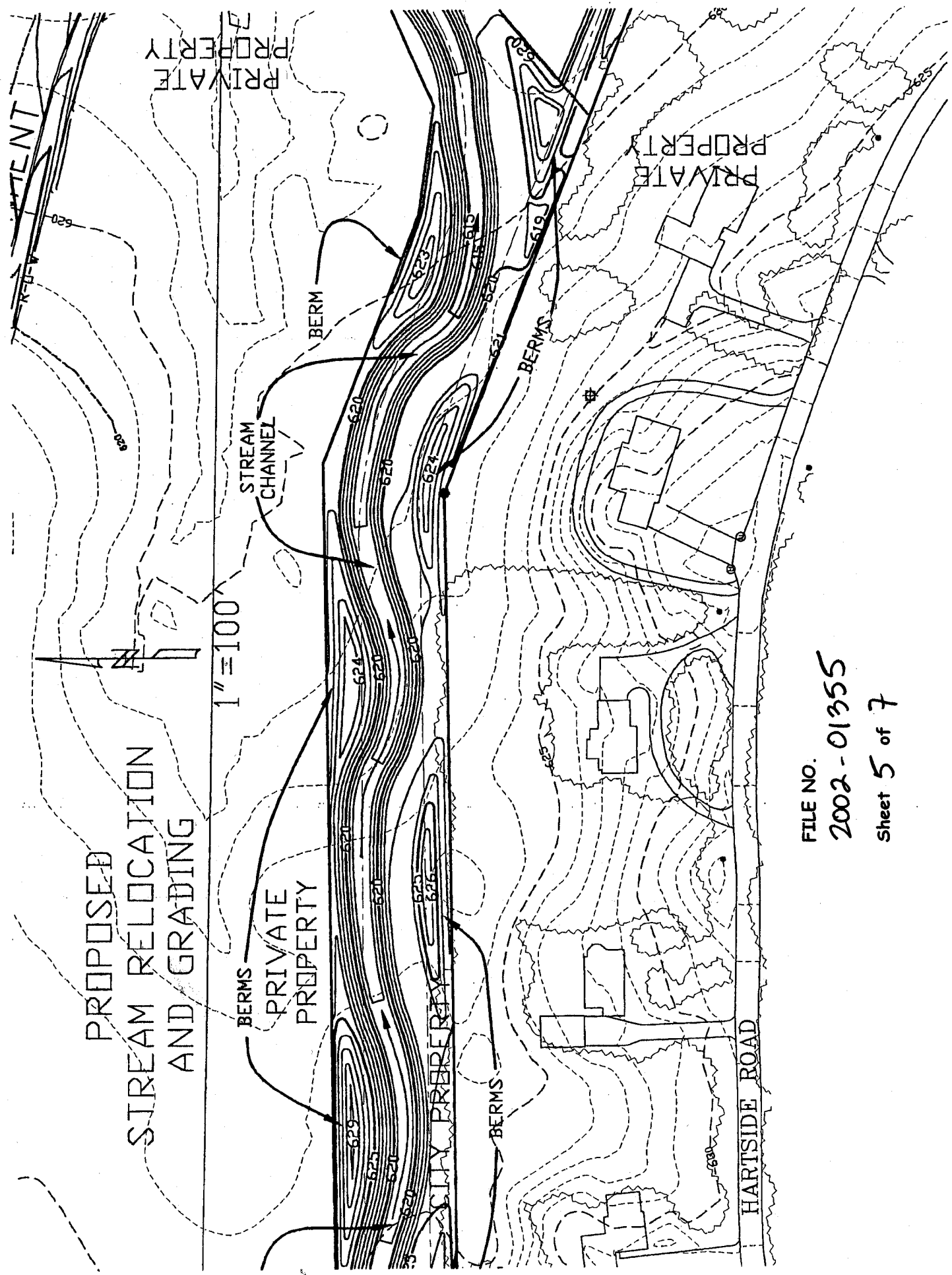
SCALE: 1" = 200'  
EXISTING STREAM = 2150 LF  
NEW MEANDERED STREAM = 2380 LF



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PROPOSED  
STREAM RELOCATION  
AND GRADING

1" = 100'



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TYPICAL CROSS SECTIONS

GOLDSMITH PROPERTY

MT. VIEW ACRES

16' 10' 12' 32' ACCESS & MAINTENANCE ROAD 20'

4.5' BERM VARIES

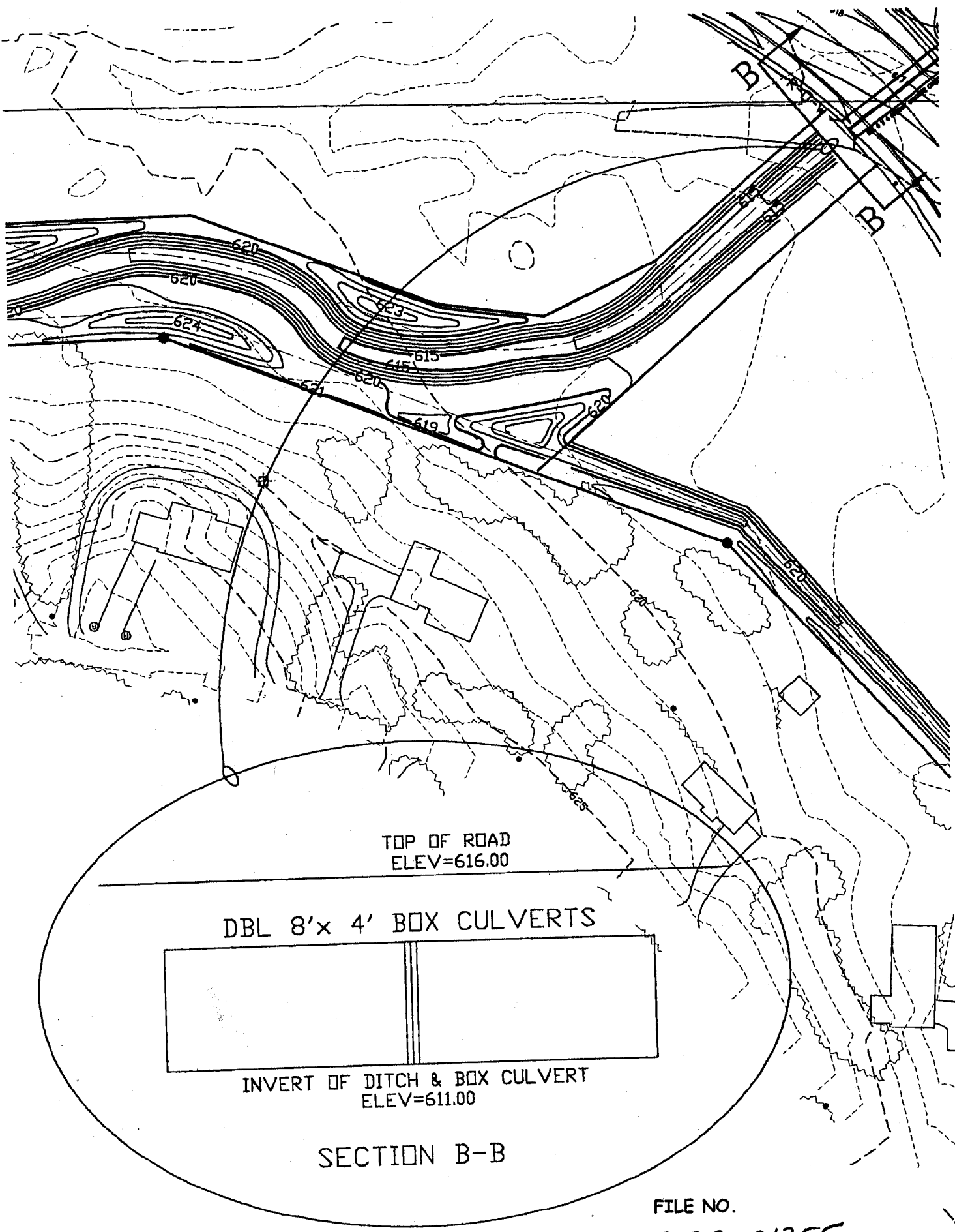
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5'

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